

**MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS**

**Los Angeles Athletic Club
431 West Seventh Street
Los Angeles, CA 90014
(213) 625-2211**

**Wednesday, August 11, 2010, beginning at 9:30 a.m.,
and continuing on
Thursday, August 12, 2010, beginning at 9:00 a.m., if necessary**

Board Members Present: Mike Modugno, President; James Foley; David Luzuriaga; Philip Quartararo; Ray Satorre; Patrick Tami; Michael Trujillo; and Paul Wilburn.

Board Members absent: Jerry Silva, Vice President; and Kim Blackseth.

Board Staff Present: David E. Brown (Executive Officer); Nancy Eissler (Enforcement Manager); Jennifer Fyfe (Board Liaison); and Gary Duke (Legal Counsel).

1. Roll Call to Establish a Quorum

The meeting was called to order by President Mike Modugno. Roll call was taken, and a quorum was established.

2. Public Comment

Julia Moye of the Los Angeles branch of the American Society of Civil Engineers stated her society was interested in the activities of the Board and supports licensure for all their members. She explained they provide opportunities and support for continuing education. She thanked the Board for the opportunity to address them.

Keivan Salehzadeh explained that he is an applicant of the Professional Engineering examination and was denied admittance because he did not meet the Engineer-in-Training (EIT) requirement. He stated he is a licensed engineer in the state of Maryland and does not understand why he needs to take the EIT examination. Gary Duke explained the Board does not have discretion on this matter. Mr. Salehzadeh restated his issue and referred to Board Rule 6759 as supportive document for his appeal. President Modugno suggested Mr. Salehzadeh send correspondence to the Board office so his issue can be addressed properly. Mr. Salehzadeh stated he did not receive a formal letter from the Board in response to his appeal letter, but he will send his information in to the Board as well as leave a letter with the Board at this time. Mr. Duke noted he would be happy to discuss the provisions of the law with him afterward.

3. Hearing on the Petition for Reinstatement of Revoked Certificate of Thomas Mix Terwilliger, Jr.

This hearing was held on Wednesday, August 11, 2010, beginning at 9:30 a.m., or as soon thereafter as the matter could be heard.

4. Hearing on the Petition for Reinstatement of Revoked License of Richard Joseph Godina

This hearing was held on Wednesday, August 11, 2010, beginning immediately following the hearing on the Petition of Thomas Terwilliger.

5. Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126 (e)(1), and 11126(e)(2)(B)(i)]

a. Discrimination Complaint (Authority for Closed Session Discussion pursuant to Government Code section 11126(e)(2)(B)(i))

b. Rodolfo Ventura Dimalanta v. Board for Professional Engineers and Land Surveyors, Alameda County Superior Court Case No. RG10513640.

c. Examinations

d. Executive Officer

6. Open Session to Announce the Results of Closed Session

Ms. Eissler reported the Board directed the Administrative Law Judge to prepare written decisions regarding the two petitions heard by the Board, discussed the lawsuit noticed on the agenda and adopted the default decisions regarding Gordon Powers and Gerald Ronnebeck and the stipulations regarding Chris Alturas, Jose Avila, Paul Bartholow, Wayne Haas, Pasquale Benenati, Russell Mullins, Himatlal Daglil, Raymond Thinggaard, Ralph Wagner, and Walter Baird.

10. DCA Director Updates

Kim Kirchmeyer, Department of Consumer Affairs (DCA) Deputy Director for Board/Bureau Relations, stated she was there on behalf of the Acting DCA Director. She reported that 140 positions were approved for the healing arts boards and will go through once the budget is approved. She noted the Department is currently working with non-healing arts boards that need budget change proposals (BCPs) for enforcement staff. The Department is working on gathering data for eight performance measurements, which will go live on the websites in October. The BCP for the BreEze project was approved and will replace the antiquated licensing and enforcement system. Ms. Kirchmeyer suggested the Chief Information Officer attend a meeting to explain how the new system will work and meet the needs of the Board as well as other boards.

Ms. Kirchmeyer discussed the enforcement initiative. She stated with the failure of Senate Bill 1111 the Department is looking to see if there is anything the boards can do to move the enforcement process forward. The Department is

encouraging the boards to look at the bill to see if there is anything on which they can move forward with regard to regulations.

Ms. Kirchmeyer discussed the licensing reform project. She explained the Department wants to help speed up the licensing process so professionals can join the workforce in a more expeditious manner. Phase One is gathering statistics, which is much more difficult than enforcement statistics. The Department's Information Technology (IT) unit has built reports that the boards can use to get their statistics. Phase Two mirrors what was done with the enforcement initiative: reviewing processes, establishing measurements, and looking at regulations to determine best practices. The performance measurement will have to be established on an individual basis for each board because there are so many variances between the boards.

Ms. Kirchmeyer wanted to thank the Board for posting the meeting materials on the website again. She stated the Department is encouraging all boards to begin webcasting as a step toward transparency. She explained the Department can help with webcasting on location whether in Sacramento or any other location. There would be no cost to the Board; it is something the Department provides. Ms. Kirchmeyer explained she had no new information with regard to the furloughs. A court ruling was issued; however the Department is waiting for the outcome.

Ms. Kirchmeyer explained the Department is trying to establish better communication with the boards. The Department has scheduled monthly meetings with the director and the executive staff to provide information. The Department would like to discuss any questions or concerns the Board has and any questions should be directed to the Department so it can be added to the agenda. Mr. Trujillo asked how webcasting worked. Ms. Kirchmeyer explained it would be broadcast online; however there is no interaction with the public through webcasting because of the restrictions of the Open Meetings Act. Mr. Brown stated the November meeting may be webcast.

Ms. Kirchmeyer discussed the board member training that was held in July. She reported the Department received a lot of feedback. She explained the training was a little long and there was too much information for one day, but they will work on that for next time. She noted many attendees enjoyed the interaction with the other board members. Mr. Satorre congratulated the Department on a job well done at the training.

Mr. Brown further discussed the documents posted on the website with regard to enforcement. He explained a brand new process has been put into place to post the official decision document on the website. Mr. Tami asked how long the documents remain on the website. Ms. Eissler stated she had the understanding they would remain indefinitely. Ms. Kirchmeyer noted it depends on retention

time as well, some boards have a retention time written into statute. Ms. Eissler stated the Board does not have a retention time in statute.

8. Temporary Authorization Applications (Possible Action)

Mr. Brown introduced Steve Napolitano and gave a brief overview of his background information located in the Board packet. Mr. Napolitano requested temporary authorization to practice Civil Engineering. Mr. Napolitano gave a brief overview of the project located in Rialto, California. He believes the project might start around October 15, 2010. He is also scheduled to take the seismic and engineering surveying exams this October. He stated his intention is to become licensed, but because of the date of the project he is requesting a temporary authorization.

Mr. Foley asked who is doing the geotechnical engineering. Mr. Napolitano replied that it is being done by City and County Soil Engineering located in Ontario, California.

MOTION: Mr. Foley/Mr. Satorre moved to approve the temporary authorization as a Civil Engineer for Steven Napolitano.

VOTE: 8-0, motion carried.

Mr. Napolitano asked what steps are taken next. Ms. Eissler explained Susan Christ is in charge of temporary authorizations. Mr. Duke suggested Mr. Napolitano contact Ms. Christ to determine what steps need to be taken.

7. Approval of Consent Items (Possible Action)

(These items are before the Board for consent and will be approved with a single motion following the completion of Closed Session. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

a. Approval of the Minutes of the May 5, 2010 Board Meeting

MOTION: Mr. Tami/President Modugno moved to approve the minutes of the May 5, 2010, Board Meeting.

VOTE: 7-0, motion carried.

9. Executive Officer's Report

I. Legislation

a. Discussion of Proposed Legislation for 2010: AB 1431, AB 1659, AB 2038, AB 2130, SB 275, SB 294, SB 1111, SB 1171, and SB 1491 (Possible Action)

Mr. Brown discussed SB 294. He explained the bill would extend the sunset date for many boards to January 2012, including this Board. The Board staff recommends a position of "support."

MOTION: Mr. Tami/Mr. Foley moved to support SB 294.

VOTE: 8-0, motion carried.

Mr. Brown discussed SB 1491, which is an omnibus bill allowing minor changes in fees and allows EIT qualifying experience to be a combination of education and experience totaling 3 years. The Board staff recommends a position of “support”. President Modugno asked if this bill would allow EIT applicants to take the examination in their junior year. Mr. Brown replied yes.

MOTION: Mr. Tami/President Modugno moved to support SB 1491.

VOTE: 8-0, motion carried.

Mr. Foley asked about any news regarding the bill that changes the state rock. Peter Thams, a member of the public, commented ASCE and the Association of Environmental Engineering Geologists are taking a stance of oppose unless amended. He stated the reason is the findings in the bill described the rock as toxic and a hazardous material. He believes Senator Romero’s office is amending the bill to remove that language. Mr. Foley stated the issue is something the Board should watch but not take a position on. Mr. Tami noted that, while very important to the profession, the issue does not deal with licensing. Mr. Thams noted it is not an issue creating a great deal of angst in the community other than the language with regards to the rock.

b. Legislative Proposals for 2010 (Possible Action)

Nothing to report.

c. Regulation Status Report

Ms. Eissler discussed the brief update provided in the agenda packet regarding regulations. With regard to Board Rules 404, 424, 425, 438 and 460 which updates the definition of approved curricula and adds language to waive the EIT with an approved doctorate (PhD), there was a slight modification of the language at the last meeting. She explained the language was noticed for a 15-day comment period, which was scheduled to end on August 10, and there were no substantive comments as of August 9. The Board directed at the last meeting that if no substantive comments were received they would delegate the authority to the Executive Officer to adopt and finalize the rulemaking file.

Ms. Eissler discussed Board Rules 427.10 and 427.30 regarding reference forms for professional engineers and land surveyors and the optional land surveyor log book. She explained the forms are currently

with the Office of Administrative Law and the staff is waiting to hear back from them with any comments.

II. Sunset Review 2010: Business and Professions Code 101.1 (Possible Action)

Mr. Brown explained that Board staff is still on track with a final Sunset report to be submitted to the Legislature the first week of October. The staff will have a final draft for Mr. Foley and Mr. Silva to review. The hearing is still set for mid-November; however, due to the election, he is not sure if that will still remain, but he noted the Board will plan for the date to remain the same. Mr. Brown explained the Sunset Review process. He stated the current Sunset Committee is brand new; however, we have worked with their staff in the past.

Mr. Satorre asked what the Department's interaction is with the Board regarding the Sunset Review. Mr. Brown explained the Department has a distinct and separate process from the Board. He explained it is similar to an audit. Mr. Brown stated the Geologists and Geophysicists Program and BPELS Sunset reports will be separate reports but will be submitted together.

III. Personnel/Enforcement/Exams/Licensing/Publications/Website

Mr. Brown stated Dr. Gregg Brandow came to the Board office to give a presentation to the Board staff on Structural Engineering. Mr. Brown discussed the Board's brown bag lunch that was recently held to discuss mortgages and foreclosures. He stated the next seminar will be on identity theft later in the month.

Mr. Brown stated that Jennifer Fyfe will be leaving the Board and thanked her for all her hard work. He noted Paula Bruning will be her replacement.

Ms. Eissler discussed the enforcement statistics. The Enforcement Unit is getting on track with sending cases to the Attorney General's Office. The Geologists and Geophysicists Program has some statistics; they are still working on developing a monthly report. She noted the staff is really working to get the aging cases down.

Ms. Eissler discussed the meeting held in June with Rita Lane, the Board's Liaison Deputy Attorney General, to go over procedures and discuss where cases are. The meeting was coordinated during their staff meeting so the Board staff was able to meet all the Deputy Attorney Generals who handle the Board's cases in the San Diego office. She noted that she, Mr. Brown, Tiffany Criswell, and Larry Kereszt attended the meeting. Mr. Brown commented that Ms. Lane complimented Ms. Eissler's unit in their effectiveness of preparing the enforcement information.

Mr. Satorre asked the reason for the backlog in cases in enforcement. Ms. Eissler explained several years ago the budget crises created a huge backlog because of hiring freezes and lost positions, and although the Board has recently hired more staff, there is still much time involved in training new analysts. Mr. Brown commented that the backlog has improved in spite of the furloughs. Mr. Tami commented the number of backlogged cases will never reach zero because of the processing time to get information between the subject, professionals, etc.

Ms. Eissler discussed the meeting she and Joanne Arnold had with Paul Riches, the Deputy Director for the Enforcement and Compliance Unit at the Department. She noted they discussed how the Department can help the Board to ensure that enforcement matters are processed timely and fairly. She advised that the Division of Investigation is also working with the Board to develop better process to speed up the processing time.

Mr. Brown discussed the information contained in the agenda packet with regard to license renewals. He explained the dip on the chart demonstrates the decrease in renewing licensees, which alternates each year because of the 2-year renewal cycle.

Mr. Brown discussed the number of applicants based on the information contained in the agenda packet. He explained the geologist specialty examinations and geophysicist examination would be administered in both northern and southern California in October because of the exams that were cancelled earlier in April. Mr. Tami asked if the chart in the agenda packet regarding the BPELS exams was a number that counted the specialty exams once or as multiples. Mr. Brown stated he believed it counts as multiples because the number is based on books ordered. Mr. Tami requested the exam statistics be reported similar to the way the geology and geophysics statistics are reported, because it is more helpful.

a. Release of Examination Results (Possible Action)

Mr. Brown explained there were some issues that occurred during the release of the exam results from April. Results are given to the Board in PDF format from the National Council of Examiners for Engineering and Surveying (NCEES). The material did not convert properly. The error was not identified until after the result letters were prepared for mailing. At that point, the Board questioned if the error was just the names, or if the scores were incorrect as well. Mr. Brown explained the process took more time because staff had to re-verify the results with NCEES.

Mr. Brown discussed another issue regarding applicants eligible to appeal, in which some applicants were incorrectly notified they were able to appeal. He stated the Board had NCEES write a letter to the applicants noting the error.

Mr. Brown stated the Board has put a few procedures in place to keep these issues from occurring again. The Board will now verify all information sent from NCEES prior to processing. The staff has also created a 3-4 month calendar with internal task deadlines, so staff can identify timelines. Mr. Brown explained this process is very important with the new national I.D. process because applicants can no longer change locations as before because the new registration process requires all applicant information to be in with NCEES much sooner. He noted the Board has also hired two additional Civil Engineers and an additional Land Surveyor to help with the application technical review process.

Mr. Brown stated application deadline calendars have been posted on the website through 2013. He explained deadline dates have been posted on Mondays because there is uncertainty regarding furloughs. He explained Mike Donelson is looking into acquiring a Facebook account for the Board.

Mr. Luzuriaga advised that he has recently seen first-hand the excruciating stress applicants go through because communication from the Board is non-existent up until 3-4 weeks prior to the examination. He stated he has now taken an interest in helping to increase our customer service. He explained the calendar is great and hopes this information can be disseminated so applicants understand what is going on. Mr. Luzuriaga would also like to see the Cow Palace removed as a test location. Ms. Eissler explained that staff agrees; however, sometimes it is the only location that can accommodate the Board in the Bay Area. Mr. Brown noted he started posting some information on the engineering forums that Mr. Luzuriaga had pointed out to him. However, he noted that in his absence a user had created their own alias account and started posting comments and information falsely on behalf of the Board. He stated he had to contact the forum and have the user removed. Mr. Brown also noted that the Board's phone tree is very convoluted and he hopes that can be fixed soon.

Mr. Foley asked about the website and what control we have over it. Ms. Eissler stated that she and Ms. Fyfe can make changes to the website; however, the changes must be sent to DCA to upload the changes. She stated the Department is very responsive to changes. However, License Lookup is a separate issue because the data from the Applicant Tracking System (ATS) is transferred to the license database which then finally is transferred to License Lookup. She explained this process is a multiple day process. Ms. Eissler explained there was some confusion this time around regarding when results would be sent out, and the information was not posted on the website as soon as it normally would have been. Mr. Brown stated the Board does not have total control over the website and networks. Mr. Brown suggested a blog or forum where staff can review and answer questions.

Mr. Luzuriaga and Mr. Tami asked when admission notices would be released to the applicant. Mr. Brown explained with the new NCEES national I.D. process admittance notices will go out approximately 6 weeks prior to the examination. Mr. Luzuriaga noted that is still not enough time for applicants to sign up for an 11-week review course.

Mr. Brown discussed the Board newsletter, which is expected to be released in November. He stated staff would send an article matrix out to the members.

Ms. Eissler reviewed the website statistics included in the packet.

12. Approval of Delinquent Reinstatements (Possible Action)

MOTION: Mr. Foley/Mr. Satorre moved to approve the Delinquent Reinstatements in the agenda as follows:

CIVIL

LARRY NELSON

Reinstate applicant's civil license once he/she takes and passes the seismic principles examination, the engineering surveying examination, and the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

MATTHEW OLSEN

Reinstate applicant's civil license once he/she takes and passes the Board's Laws and Regulations Examination.

ELECTRICAL

ROGER E. KEUNNE JR.

Reinstate applicant's electrical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

KELLY W. ROGERS

Reinstate applicant's electrical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

ISAAK SHAFIR

Reinstate applicant's electrical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

ANDREW J. SIMMONS JR.

Reinstate applicant's electrical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

DOUGLAS C. TERRY

Reinstate applicant's electrical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

MECHANICAL

GILBERT L. LOMBARD

Reinstate applicant's mechanical license once he/she takes and passes the NCEES mechanical engineering examination, Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

PIORTR J. SIADECKI

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

VOTE: 8-0, motion carried.

14. Administration (Possible Action)

a. Fund Condition (Possible Action)

Mr. Brown stated the Board is currently \$120,000 in the black, which is good news. He explained the 2009/2010 Fiscal Year was the first time in many years that enforcement over expended its budget.

b. FY 2009/10 Budget (Possible Action)

Nothing to report.

c. FY 2010/11 Budget Change Proposals (Possible Action)

Mr. Brown discussed the Budget Change Proposals described in the Board packet. He explained they were approved, and staff is working on the hiring process, but spending is on hold until a budget is approved.

d. FY 2011/12 Budget Change Proposals (Possible Action)

Mr. Brown stated the Geologist Registrar position was submitted for the 2011/2012 Budget Change Proposals.

15. Technical Advisory Committee (TAC) Reports (Possible Action)

a. Board Assignments to TACs (Possible Action)

Nothing to report.

b. Appointment of TAC Members (Possible Action)

Nothing to report.

c. TAC Report (Possible Action)

Mr. Foley stated the Board had its first Geologist and Geophysicist TAC meeting on July 27, 2010. Mr. Kereszt did a good job putting the meeting

together. He explained the TAC has wonderful members and believes they will help the Board tremendously. Tom Barry was elected as the chair and Hugh Robertson as the vice chair. The TAC has an action plan of topics to discuss. The Geologist and Geophysicist TAC expect to have another meeting in later October or early November.

16. Liaison Reports (Possible Action)

a. ASBOG (Possible Action)

Nothing to report.

b. ABET (Possible Action)

Nothing to report.

c. NCEES (Possible Action)

Mr. Brown stated the Annual Meeting will be held next week. Mr. Tami noted that there will be a vote on computer based testing. He explained NCEES would change the examination schedule to have it more often and in more locations. They have two major firms as vendors. Mr. Tami stated the security is good, but how to handle the reference material is still in question. He also stated that NCEES would need a huge bank of exam questions. Mr. Luzuriaga commented he liked the idea.

d. Technical and Professional Societies (Possible Action)

Mr. Foley stated he attended an ASCE meeting in San Francisco. He stated the big topic at the meeting was continuing education and the difficulty with the Legislation.

Mr. Luzuriaga stated he attended an ASCE meeting in Orange County in June and will be attending another in Riverside in September.

The Board recessed at 5:00 p.m.

Thursday, August 12, 2010, beginning at 9:00 a.m.

Board Members Present: Mike Modugno, President; James Foley; David Luzuriaga; Philip Quartararo; Patrick Tami; Michael Trujillo; and Paul Wilburn.

Board Members Absent: Jerry Silva, Vice President; Kim Blackseth; and Ray Satorre.

Board Staff Present: David E. Brown (Executive Officer); Nancy Eissler (Enforcement Manager); Jennifer Fyfe (Board Liaison); Gary Duke (Legal Counsel); Mike Donelson (Staff Electrical Engineer); and Ric Moore (Staff Land Surveyor).

1. Roll Call to Establish a Quorum

The meeting was called to order by President Modugno. Roll call was taken, and a quorum was established.

8. Temporary Authorization Applications (Possible Action)

Mr. Brown introduced Bryan Damron. Mr. Damron requested temporary authorization to practice Civil Engineering. President Modugno explained the temporary authorization procedures. Mr. Damron gave a brief overview of his background, stating he currently works in the structural department at Lyntek, Inc. He stated he passed the NCEES Structural Engineering (SE) I and II exams in 2009. He is licensed as a Structural Engineer in Nevada and Nebraska, and a Civil Engineer in Colorado, and Alaska. He is currently seeking licensure as a Civil Engineer in California this October. He explained the project is located in Mountain Pass, California. Mr. Damron explained the project details.

Mr. Tami asked if 180 days would be enough time for the project. Mr. Damron explained that it was not, but the intention is that he will be licensed in California by January. He explained in the event he is not licensed, the company already has a back-up engineer. Mr. Foley asked if Mr. Damron has taken the NCEES SE III. Mr. Foley asked him to describe the building detail again. Mr. Damron stated the building will be approximately 60 feet tall with the mill building however, if they need to make it taller, he will need a variance based on the fire protection designation of the building. He explained the initial look at the seismicity of the area indicates they are in good soil, which would lower the seismic class. Mr. Damron explained the types of buildings that would be built. President Modugno asked if Mr. Damron expected the start time to remain September 1, 2010. Mr. Damron explained they did not have a start date at the moment, but he believes that is still the expected date.

Mr. Wilburn asked when Mr. Damron began with Peak Engineering and if that was the time he had begun his work with steel. Mr. Damron stated he began

working in 2005 and he primarily worked with steel. Mr. Luzuriaga asked if Mr. Damron would be taking the Civil seismic and engineering surveying exams this October. Mr. Damron stated that he would be. Mr. Luzuriaga asked for other project details Mr. Damron has worked on dealing with seismic forces. Mr. Damron explained the closest project he has worked on with similar seismic activity was in Mexico with 7 percent acceleration. He explained he had one other project in Myrtle Beach, which is a hot bed of seismic activity and liquefaction was an issue on those soils. Mr. Wilburn asked if Mr. Damron would be doing the bulk of the work or would be directing others. Mr. Damron explained he would be directing others as well as doing about 40 percent of the work and reviewing the rest. Mr. Wilburn asked what his education background was. Mr. Damron stated he received his Bachelors in architectural engineering in 2002 and went back in 2004-2005 for structural coursework.

Mr. Foley stated the project was embarking on a new frontier, usually temporary authorizations are for cookie cutter projects; however this is a more complex project. He noted because of Mr. Damron's good credentials and intention to get licensed in California he is in agreement. President Modugno encouraged Mr. Damron to get licensed in California.

MOTION: Mr. Foley/President Modugno moved to approve the temporary authorization as a Civil Engineer to Bryan Damron.

VOTE: 7-0, motion carried.

17. Land Surveyor Technical Advisory Committee Recommendation to Define the Words “Established” and “Establishment” as in the Professional Land Surveyors’ Act (Business and Professions Code section 8700, et seq.) (Possible Action)

Ric Moore explained at the Board’s most recent Land Surveyor Technical Advisory Committee (LSTAC) meeting, held before the last Board meeting, the LSTAC discussed the meaning of the terms “established” and “establishment” as used in the Professional Land Surveyors’ Act (PLS Act), specifically in Business and Professions Code Sections 8726 and 8762. He explained there have been some different interpretations of what is meant by these terms for a number of years. The LSTAC recommends that the Board direct the Committee to develop definitions of the terms to include in the Board Rules. Mr. Brown asked if the LSTAC discussed the term as used by county officials as well. Mr. Moore explained the County Surveyors all disagree on the terms as well, and it is an issue that comes up often.

Mr. Duke asked if there was a consensus with the LSTAC in which direction they should move with the terms. Mr. Moore explained there is no consensus at this point; however the LSTAC has not discussed this issue in detail other than to determine an issue exists. President Modugno asked what the overall goal was. Mr. Moore explained the goal was to put a definition in the Board Rules

referencing the meanings of the terms as used in Sections 8726 and 8762 to establish a more standardized meaning.

Mr. Foley asked how something in statute could be defined. Mr. Duke stated he would tend to agree; however, he thinks the effort would be worth it, but he does suggest the LSTAC be very careful. Mr. Tami stated the motion was too narrow and recommended the LSTAC look at other ways to resolve the problem. Mr. Duke explained this recommendation is possibly premature and suggested the LSTAC research the problem further and provide the Board with a better understanding as to why the terms are a problem. Mr. Moore explained some years back the Board did a survey on the issue with regard to a similar issue in engineering and believes that might be helpful in this situation. Mr. Duke suggested the LSTAC should continue to review this issue and submit its findings to the Board for review.

MOTION: Mr. Tami/Mr. Foley moved to direct the LSTAC to continue researching the issue and to come up with the issues and submit them to the Board for further review.

VOTE: 7-0, motion carried.

18. Information Technology Updates (Possible Action)

a. On-Line Renewals/Credit Card Renewals (Possible Action)

Mike Donelson stated the Department has given a project plan completion date of December 31, 2010. He explained that the Department does not see any issues regarding the budget. He stated it will include engineering/land surveying and geology/geophysics. Mr. Tami asked if the Board can capture emails as well with renewals. Mr. Donelson stated he is not sure but believes it is not possible because of the antiquated system currently being used. Mr. Brown asked how many boards will be beginning this credit card renewal process. Mr. Donelson stated this Board is one of six. He reminded the Board that even though we will be beginning the credit card renewals at the end of the year, it takes the licensees time to get into the online renewal mindset; he expects about 50% will use the online renewal to start once it is implemented.

b. NCEES Candidate ID Requirement (Possible Action)

Mr. Donelson explained the Board began the NCEES national I.D., titled Examinee Management System (EMS) on July 6, 2010. Mr. Donelson stated that, as of August 8, 2010, the Board had 9,474 examinees registered. NCEES advised that there were 23,400 in total registered from all member boards. The Board is the leading state in registration and, at that point in time, accounted for about 40% of the population. Mr. Donelson stated these numbers will change as the final filing dates approach, and he expects a total number of about 14-15,000. Mr. Donelson stated it is very easy for the applicants to register and there is not much negative feedback.

Mr. Donelson provided a PowerPoint presentation to the Board showing the registration screen. He noted once the registration is completed, the applicant can pick the exam location, see what they are registered for, and also obtain some review material from NCEES. Mr. Moore stated the Board has been contacted by no more than 100 applicants, and since that time some changes have been made to make things easier. Mr. Donelson explained that NCEES has been able to make changes on their website in about one day, where through the Department it would have taken a week.

Mr. Brown explained that Mr. Donelson, Mr. Moore, and Joyce Hirano went through the registration process and printed screen shots for the staff to help walk applicants through the process. Mr. Luzuriaga asked if tutorials were available on the website. Mr. Donelson explained that on the profile showing their registration information they have access to information about the test as well as testing review material through NCEES. Mr. Tami stated the review material is about \$13 on the NCEES website. Mr. Moore stated that some applicants are having problems with understanding the application process because they are going directly through the NCEES website.

Mr. Donelson explained that UC and CSU schools do offer some preparatory courses and he is in the process of working on a list to provide to applicants. These schools are state schools and the Board will be able to provide that information.

Mr. Donelson stated the Board is working with NCEES to get the diagnostics and results released through NCEES using the registration website. They expect the results to be released sooner, in the beginning of January or end of December. Mr. Moore stated the Board is working on possibilities for releasing exam results to get the information out sooner and leave time for applicants to apply for other exams. Mr. Wilburn asked if the concern with releasing exam results and not licensure results might be that candidates would be confused about when they would obtain a license. Mr. Moore explained that is something they have thought about and are working on. He noted NCEES is exam-centric while the Board is license-centric.

Mr. Donelson explained the Board is looking to have a computer access point in the lobby for candidates and licensees to use. He also would like to have a 3-D rendering or model in the lobby to showcase the professions.

Mr. Donelson discussed webcasting. He explained at his previous job, his office worked with the Governor and produced webcasts every day. He has put a call into that office to see if they could help. He is looking to get the next Board meeting webcast. Mr. Donelson explained that 75% of webcasting is content, while 25% is the technical portion. He explained it is the content that is most important. Mr. Duke asked what is meant by content. Mr. Donelson

noted it is how the “talking head” looks, the display, and basically the presentation using the proper tools.

President Modugno noted there are a lot of concerns with webcasting and would personally like to see a practice session internally before this gets off the ground. Mr. Duke stated he has seen the webcasting done on both ends of the spectrum, the high end and the low end, in terms of cost. The Department is highly recommending all boards webcast, but the Board does have a choice. Mr. Tami explained that with the furloughs and costs, he is not sure this is something the Board should be spending their money or time on. He explained he does not perceive a huge public interest, and time, energy, and money should be spent on something more important. Mr. Donelson stated he can do some research and come back to the Board with possible options and costs associated with them. Mr. Luzuriaga stated many council meetings are all for show and many of the discussions occurred prior to the meetings. He explained he does not want the interaction and discussion at Board meetings to disappear.

c. Computer Based Testing (Possible Action)

Mr. Brown explained that yesterday the Board talked briefly about computer based testing and where NCEES was heading. Mr. Moore stated the Board has visited two computer based testing sites: PSI and Prometrics. He explained that some staff and Board members attended. He noted the sites are very similar with a lobby, registration, and check-in area and a lab where candidates take the exam. He explained the Board staff is evaluating the differences between them, which is mainly security. President Modugno asked if the Board were to go through with NCEES administering the exams, would NCEES be responsible for paying for computer based testing or would that come out of the Board’s budget. Mr. Moore stated he did not have the answer to that question. Mr. Modugno indicated that he does not believe the Board should be spending much time on this if the Board is anticipating NCEES will take over in the near future. Mr. Moore explained the Board is concentrating on the state-specific PELS exams and the Geologist and Geophysicist exams. Mr. Tami stated the Board should be focusing on licensing and leave examinations to NCEES. Mr. Moore stated that is the Board’s long-term goal. He explained the Board would be able to concentrate on licensing and move away from final filing dates.

Mr. Quartararo left the meeting at 10:30 a.m.

17. President’s Report/Board Member Activities

Mr. Modugno explained he would like the Board to consider a Board member and employee gathering at the next Board meeting. This will allow the Board the opportunity to meet all of the staff. He would like the Board to split the cost of buying pizza and drinks for the employees.

Mr. Modugno stated he and Mr. Tami had the opportunity to present NCEES awards to two California schools: California State University San Luis Obispo and California State University Los Angeles. He explained the budgets for the California schools are locked for nursing, among others, but the rest of the schools' money is split between all the programs. He explained the cost to run the English program is not the same as an engineering program. He would like to support the schools working on Legislation to lock in a budget for the engineering programs in California.

18. Other Items Not Requiring Board Action

Date of Next Board Meeting: November 17 & 18, 2010, Sacramento, California.

Mr. Tami stated he wanted to give recognition to Mr. Foley who will be receiving a distinguished service award at the annual NCEES meeting this year.

A member of the public asked if a member of the Board would be open to speaking at his professional association's section meeting. Mr. Brown stated he could contact him directly to set that up.

19. Adjourn

Meeting adjourned at 11:00 a.m.

PUBLIC PRESENT

Julia Moye, American Society of Civil Engineers

Mehrdad Nabizadeh, PECG

Art Sutton

Dana Halladay

Roger Hanlin, California Land Surveyors Association

Peter Thams, Association of Environmental and Engineering Geologists

Ronald Hale

Donald Hale

Bryan Damron

MOTIONS – AUGUST 11, 2010 BOARD MEETING

MOTION: Mr. Foley/Mr. Satorre moved to approve the temporary authorization as a Civil Engineer for Steven Napolitano.

VOTE: 8-0, motion carried.

MOTION: Mr. Tami/President Modugno moved to approve the minutes of the May 5, 2010, Board Meeting.

VOTE: 7-0, motion carried.

MOTION: Mr. Tami/Mr. Foley moved to support SB 294.

VOTE: 8-0, motion carried.

MOTION: Mr. Tami/President Modugno moved to support SB 1491.

VOTE: 8-0, motion carried.

MOTION: Mr. Foley/Mr. Satorre moved to approve the Delinquent Reinstatements in the agenda as follows:

CIVIL

LARRY NELSON

Reinstate applicant's civil license once he/she takes and passes the seismic principles examination, the engineering surveying examination, and the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

MATTHEW OLSEN

Reinstate applicant's civil license once he/she takes and passes the Board's Laws and Regulations Examination.

ELECTRICAL

ROGER E. KEUNNE JR.

Reinstate applicant's electrical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

KELLY W. ROGERS

Reinstate applicant's electrical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

ISAAK SHAFIR

Reinstate applicant's electrical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

ANDREW J. SIMMONS JR.

Reinstate applicant's electrical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

DOUGLAS C. TERRY

Reinstate applicant's electrical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

MECHANICAL

GILBERT L. LOMBARD

Reinstate applicant's mechanical license once he/she takes and passes the NCEES mechanical engineering examination, Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

PIORTR J. SIADECKI

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

VOTE: 8-0, motion carried.

MOTIONS – AUGUST 12, 2010 BOARD MEETING

MOTION: Mr. Foley/President Modugno moved to approve the temporary authorization as a Civil Engineer to Bryan Damron.

VOTE: 7-0, motion carried.

MOTION: Mr. Tami/Mr. Foley moved to direct the LSTAC to continue researching the issue and to come up with the issues and submit them to the Board for further review.

VOTE: 7-0, motion carried.

ACTION ITEMS – AUGUST 11 – 12 BOARD MEETING

Personnel/Enforcement/Exams/Licensing/Publications/Website:

Mr. Tami requested the exam statistics be reported similar to the way the geology and geophysics statistics are reported, because it is more helpful.

Mr. Brown discussed the Board newsletter, which is expected to be released in November. He stated staff would send an article matrix out to the members.

President's Report/Board Member Activities

Mr. Modugno explained he would like the Board to consider a Board member and employee gathering at the next Board meeting. This will allow the Board the opportunity to meet all of the staff. He would like the Board to split the cost of buying pizza and drinks for the employees.